



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, NY 10007

June 24, 2025

By ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Prisoners' Legal Servs. of NY et al. v. DHS et al.*, No. 25 Civ. 1965 (GHW) (VF)

Dear Judge Figueredo,

We write respectfully on behalf of the defendants in the above-referenced action (the "Government") to request that the Court reschedule oral argument on plaintiffs' pending motion for a preliminary injunction, currently set for July 1, 2025, *see* Order dated June 17, 2025 (ECF No. 48), to a date on or after July 9, 2025, that is convenient for the Court. The reason for the requested adjournment is that the Assistant United States Attorney ("AUSA") who has been handling this matter is leaving the Office this week for other employment and the AUSAs assigned to replace him will not be available. Specifically, one of the newly assigned AUSAs is unexpectedly out of the office due to a medical issue, and the other has previously scheduled annual leave. While the Government initially believed that one of the two newly assigned AUSAs would be able to cover any oral argument scheduled by the Court prior to July 4, this recently changed due to the aforementioned medical issue. The Government further submits that the requested brief adjournment will not cause any immediate prejudice to plaintiffs, who by this lawsuit challenge a Government policy in effect since November 2024 (and since November 2023 in a slightly different form). This is the Government's first request to reschedule this argument.

Counsel for plaintiffs do not consent to this application and requested that the Government include the following in this letter pursuant to Your Honor's Individual Practice 1.e:

Plaintiffs oppose Defendants' request for a postponement of the oral argument date. Your Honor previously addressed scheduling at the conference held on May 30, 2025, during which the Court stated it will hear argument on Plaintiffs' motion before July 4, 2025, and confirmed with counsel for all parties that no pre-planned vacations would interfere with this schedule. Given the withdrawal of the existing AUSA on this matter and the recent re-assignment to new AUSAs, Defendants would suffer no prejudice from re-assigning this matter to an AUSA who is available on July 1, 2025.

By contrast, and contrary Defendants' conclusory assertion, Plaintiffs would suffer prejudice if oral argument were delayed. Defendants' legal mail policy continues to chill

Plaintiffs' ability to communicate with their clients detained at BFDF. As Plaintiffs explain in their motion for a preliminary injunction at ECF No. 36, p. 7, Defendants lifted their initial November 2023 legal mail policy in March 2024, and later re-instituted and expanded the policy in November 2024. Plaintiffs promptly sought preliminary relief after diligently investigating Defendants' expanded policy (despite the limits imposed on Plaintiffs' communications with their clients at BFDF) and attempting in good faith to resolve this dispute without the Court's intervention.

We thank the Court for considering this application.

Respectfully submitted,

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MEMO ENDORSED


HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated: 6/26/2025

The motion to adjourn is GRANTED. Oral argument is rescheduled for **Tuesday, July 29, 2025 at 11:00 a.m.** in Courtroom 17-A, 500 Pearl Street, New York, New York.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 49.